

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re: Chapter 11

HYPNOTIC TAXI LLC, *et al.*, Case No. 15-43300 (CEC)

Debtors. (Jointly Administered)

CITIBANK, N.A.,

: Plaintiff,

Adv. No. 15-01185 (CEC)

- against -

BOMBSHELL TAXI LLC, *et al.*,

Defendants.

**AMENDED ORDER DENYING MOTION FOR PROTECTIVE ORDER AND
SCHEDULING DISCOVERY, PRE-TRIAL SUBMISSIONS, AND HEARING**

Upon the record of the hearings held April 22, 2016 and May 4, 2016, and all the prior filings in this case, including the Court’s April 29, 2016 Decision and Order Denying Motion for Protective Order and Scheduling Discovery, Pre-Trial Submissions, and Hearing entered on May 2, 2016 (ECF Doc. No. 173) (the “Decision & Order”);

IT IS HEREBY;

ORDERED, that the decretal paragraphs of the Decision & Order shall be replaced and superseded by the following:

ORDERED, that the Petition as supplemented (ECF Doc. No. ~~100~~, Nos. 100, 150, and 151 (CEC)), the Alter-Ego Motion (ECF Doc. No. 156), and the Motion to Declare Levies Effective (ECF Doc. No. 142) (collectively, the “Petition and Motions” (CEC)) shall be heard **July 27, 2016 at 9:30 a.m.** (“Rescheduled Hearing”); and it is further

ORDERED, that the Rescheduled Hearing shall be an evidentiary hearing, and the parties are directed to file a joint pre-trial order substantially in the form which can be found at <http://www.nyeb.uscourts.gov/content/chief-judge-carla-e-craig> under “Form Orders,” by **July 13, 2016**; and it is further

ORDERED, that any other submissions regarding matters to be heard at the Rescheduled Hearing, including pre-trial briefs with respect to the motions *Petition and Motions (CEC)* to be heard at the Rescheduled Hearing, be filed by **July 22, 2016**, and it is further

ORDERED, that the Protective Order Motion is denied to the extent provided herein; and it is further

ORDERED, that the Trusts *and Freidman, as applicable (CEC)*, are directed to provide discovery sought by Citibank as follows:

1. By **June 20, 2016**, the Trusts and ~~Mr.~~ *(CEC)* Freidman shall provide those documents sought by Citibank in the lists attached to Citibank’s letter dated May 2, 2016 (ECF Doc No. 174), *specifically, items 1-10 listed in ECF Doc. No. 174-1 under the heading “SCHEDULE A,” and items 1-20 listed in ECF Doc. No. 174-2 under the heading “SCHEDULE OF DOCUMENTS” (CEC)*, with the exception of those documents which were previously provided to Citibank by Freidman or the Debtors, and, *in addition, the Trusts and Freidman shall provide (CEC)* a privilege log identifying any responsive documents withheld on the basis of privilege;

2. The Trusts shall produce for deposition a Trustee or Trustees, who are competent to testify with respect to items 1-14 and 16-20 from the Deposition Subject List, with respect to each of the four Trusts. To the extent that one Trustee is competent to testify regarding these matters with respect to each of the four trusts only one Trustee need be produced. The deposition(s) shall take place during the week of **June 24, 2016-June 30, 2016**, unless such date is altered by mutual consent.

3. The Trusts shall respond to the four factual questions from the April 13 OSC (ECF Doc No. 131), by ~~May 20, 2016~~ June 20, 2016 (CEC).

4. At such time as a replacement for Orion Corporation and Trust Services Ltd. is appointed for the Evelyn Funding Trust, the Trusts are directed to provide the information regarding the identity of the new Trustee to Citibank, and to the extent that such Trustee has any documents or information responsive to the discovery requests set forth herein such Trustee is directed to promptly provide it to Citibank; and it is further

ORDERED, that Freidman shall respond to the four factual questions from the April 13 OSC (ECF Doc No. 131), by ~~May 20, 2016~~ June 20, 2016 (CEC), and that a deposition of Freidman shall be held during the week of **June 24, 2016-June 30, 2016**, unless such date is altered by mutual consent;

ORDERED, that with regard to Citibank's Motion for Summary Judgment against Freidman, Citibank and Freidman shall propose a schedule for further written submissions promptly after Citibank completes its production of account statements to Freidman; and it is further

ORDERED, that Citibank's Preclusion Motion (ECF Doc. No. 148) is adjourned to **July 27, 2016 at 9:30 a.m.**

**Dated: Brooklyn, New York
May 9, 2016**




Carla E. Craig
United States Bankruptcy Judge